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“ ‘Europeanisation’ of Public Administration in EU candidate countries from Central and Eastern Europe in the context of transformation and integration”

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**Europeanisation and Transformation of Public Administration:
The case of Estonia**

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1. Introduction

Like other post-socialist countries in Central and Eastern Europe (CEE), Estonia is demonstrating its will to become a full member of the European Union (EU). Besides economic and security interests, this will is driven by the desire to be a part of the 'European family' again.

The candidate states will have to meet certain requirements before their accession to the European Union. According to the Copenhagen European Council's decision on the political criteria for accession, the candidate countries must have achieved "stability of institution guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities as a precondition for the opening of accession negotiations"¹. Furthermore, they must be able to adopt the *acquis communautaire* and be ready to apply effectively the rules and regulations of the EU.

This article concentrates on the 'Europeanisation' of the Estonian public administration. The term 'Europeanisation' is defined as the "shift of attention of all national institutions and their increasing participation – in terms of the number of actors and the intensity – in the EC/EU decision-making cycle"²; following the definition given by Wessels and Rometsch. In particular, Europeanisation is about the resources in time, personnel and money directed towards the EU level³. The article attempts to elucidate the processes of Europeanisation in Estonia by taking a closer look at its central executive. Furthermore it seeks to assess Estonia's ability to adopt the obligations and to function as an effective multi-level player after accession. EU decision-making subjects member states to heavy constraints that must be accepted, because otherwise this would lead to powerlessness and ineffectiveness at EU-level.⁴ The key concept that needs to be analysed and further strengthened in this context is thus 'co-ordination'.

When analysing processes of Europeanisation in countries of Central and Eastern Europe (CEECs), it is difficult to differentiate this aspect from processes of 're-westernisation', i.e. reform and development of public administration in the context of transformation to democratic market economies. There is a "strong indirect link" between the two processes⁶, which can be characterised as the two sides of a coin: candidate states reform their institutions to form merit-based administrations that adhere to democratic values, and, simultaneously, they prepare for membership in the EU that also presents demands for changes in the structure and functioning of the state. Candidate states are expected to demonstrate that the EU can rely on them to implement its decisions and policies. Therefore,

¹ European Council, Presidency conclusions. Copenhagen European Council Meeting, 21 and 22 June 1993, (SN 200/93).

² Wessels, Wolfgang/Rometsch, Dietrich (1996), *The European Union and Member States. Towards Institutional Fusion*. Manchester: Manchester University Press, p. 328. And see also Lippert, Barbara,/Umbach, Gaby/ Wessels, Wolfgang (2001), Europeanisation of CEE Executives: EU Membership Negotiations as a Shaping Power, *Journal of European Public Policy*, Vol. 8, No. 6, p. 980.

³ Lippert, Barbara/ Umbach, Gaby/ Wessels, Wolfgang (2001), *ibid.*, p. 980.

⁴ Hoscheit, Jean-Marc (1992), Administrative Adaptation in the Context of Regional Integration: Luxembourg and the European Community, in: Baker, Randall (ed.), *Public Administration in Small and Island States*, Kumarian Press, p. 272.

⁵ Peters, B. Guy (1998), Managing Horizontal Government: The Politics of Co-ordination, *Public Administration*, 76, p. 295.

⁶ OECD (1998), Overview, in: Preparing Public Administrations for the European Administrative Space, *Sigma Papers* no. 23, Paris: OECD, p. 13.

this article analyses the emergence and strengthening of 'European' structures in Estonia in the context of general administrative reform. The analysis is based on academic literature, documents, relevant legislation and interviews made with key actors in Estonia and in Brussels.

In the first part of the article, an overview is given on the political context of accession in Estonia, including the development of EU-Estonia-relations. The second part concentrates on the development of the Estonian public administration and evaluates the growing attention on the administrative capacity of the candidates. Finally, the configuration of 'European' structures in Estonia and their functioning is described. To conclude, it will be argued that Estonia has considerably reformed its administration and that its co-ordination mechanisms for EU affairs have been working well.

2. Political context of accession

2.1. Politico-administrative system

Estonia declared its independence from the Soviet Union in August 1991. This declaration was not born overnight, but took place after several steps towards greater self-determination and ministered by the failed putsch in Moscow. Estonia was first recognised by Iceland, then by the Russian Federation and the European Community.⁷ With its 45 227 km² of land and 1.36 million population (1.57 in 1991), Estonia is the smallest of three Baltic States, which regained independence in 1991 after five decades of Soviet occupation. The former president of the Soviet Union, Mikhail Gorbachev, noted ten years later that, by that time, the Baltic States were "no proper Soviet states anyway"⁸.

2.1.1. Constitution

The preparations for the referendum on a new constitution were launched in September 1991. The Constitutional Assembly, which is responsible for composing the new constitution, was made up equally of representatives appointed by the Supreme Soviet and by the Estonian Congress⁹. The Assembly received advice from experts from the Council of Europe. The new constitution of Estonia, adopted in a referendum on 28 June 1992 (entering into force the following day) reflects the idea of legal restoration. It establishes the principle of legal continuity of the Republic of Estonia, which was proclaimed independent on 24 February 1918 and occupied by the Soviet Union on 17 June 1940. According to the constitution adopted in 1920, Estonia was a democratic parliamentary republic.¹⁰

⁷ For more details see Arnswald, Sven (2000), EU Enlargement and the Baltic States. The Incremental Making of New Members, Helsinki, p. 27f..

⁸ Gorbatsšov, Mikhail: Baltimaad polnud enam mingid õiged liiduvabariigid, *Postimees*, 18.08.2001.

⁹ Lauristin, Marju/ Vihalemm, Peeter (1997), Recent Historical Developments in Estonia: Three Stages of Transition (1987-1997), in: Lauristin, Marju/ Vihalemm, Peeter/ Rosengren, Karl Erik /Weibull, Lennart (eds.), *Return to the Western World: Cultural and Political Perspectives on the Estonian Post-Communist Transition*, Tartu: Tartu University Press, p.100.

¹⁰ Maruste, Rait/Schneider, Heinrich (1997), Pärandi kasutamine põhiseaduse eelnõudes, Maruste, Rait/Schneider, Heinrich/Anton, Tõnu/ Järvelaid, Peeter, *Taasvabanenud Eesti põhiseaduse eellugu*, Tartu: Eesti Akadeemiline Õigusteaduse Selts, pp. 31-34.

Since its adoption, no amendments have been made to the constitution. Nevertheless, prospective accession to the EU has prompted active discussion in this field. In comparison to western European countries, the constitutions of the CEECs contain much stronger regulations regarding sovereignty and independence. The Estonian constitution is qualified in this context as one of the “most sovereignistic” constitutions among all CEEC constitutions.¹² The opinions expressed on the necessity of amending the Constitution of Estonia with regard to EU-Membership differ substantially, both on scale and on content. Generally speaking, all foreign experts (OECD/SIGMA, Phare) regard constitutional amendments as necessary, while members of the Estonian political elite and law community do not think such amendments are necessary at all. From a legal point of view, it is very difficult to argue against amending the Constitution.¹³ General support to amendments has been expressed by the coalition of Estonian Reform Party and Estonian Centre Party, which has been in power since January 2002.¹⁴

2.1.2. Political culture

According to the constitution, Estonia is a parliamentary democracy, with a unicameral parliament, the Riigikogu, being the central actor of the political system. The 101 members of the Riigikogu are elected for four years. The formal head of the state, the president, has a mainly representative and ceremonial role. The president is elected by the Riigikogu for five years. Since 1991, there have been three elections for the parliament and three elections for the office of the president of the republic. The next general elections are scheduled for March 2003.

The political party-system and the political culture¹⁵ of Estonia are still developing. The emergence of a ‘critical-rational discourse’ in political life takes many years. Vihalemm, Mafju and Ivar identified three stages in the development of the political culture in Estonia.¹⁶ The ‘mythological’ stage of the end of 1980s was characterised by a mass movement, a black-and-white political discussion, and the belief in the rituals and in the magic of words. Estonians believed that independence from the Soviet Union would solve all their problems and would be also accompanied by wealth, democracy and the blossoming of national culture. The Estonians expected to be happily welcomed back into Western Europe, especially by the Scandinavian people. At the second stage ‘an ideological discourse’ emerged hand in hand with the professionalisation of political activities. This discourse expressed different values and formulations of political programmes and is characterised by a polarisation and a loss of trust in political institutions by the public. The ideological stage can still be identified in the debate, but at the same time the gradual emergence of the third stage,

¹¹ Constitution of the Republic of Estonia.

¹² Albi, Anneli (2002), Põhiseaduse muutmise Euroopa Liitu astumiseks. Ekspertarvamused, teoreetiline ja võrdlevõiguslik perspektiiv ning protseduur, ettekanne konverentsil *Eesti põhiseadus ja ühinemine Euroopa Liiduga. Õiguslik dialoog suveräänsuse ja põhiseaduse muutmise küsimustes*, Eesti Õiguskeskus, Ülikooli Euroopa Kolledz, Tartu.

¹³ Albi, Anneli (2002), *ibid.*, p. 8.

¹⁴ Coalition agreement between Estonian Centre Party and Estonian Reform Party, signed in Tallinn, 18.02.2002, <http://www.riik.ee/et/valitsus/>.

¹⁵ The concept of political culture refers to Almond/Verba (1963) and is defined by constellations of attitudes towards political objects.

¹⁶ Vihalemm, Peeter/ Marju, Lauristin/Ivar, Tallo (1997), Development of Political Culture in Estonia, in: Lauristin, Marju/Vihalemm, Peeter/Rosengren, Karl Erik/Weibull, Lennart (eds.), *Return to the Western World: Cultural and Political Perspectives on the Estonian Post-Communist Transition*, Tartu: Tartu University Press, p. 200.

the 'critical-rational' political discussion is observable. There is reason to believe that the accession to the EU with its demands for effective co-operation accompanied by a strong political will have contributed much to the development of a rational political discourse.

Since 1991, nine changes of government have taken place. None of the coalitions has been able to stay in power for the complete term of four years. The coalition government of the Reform Party, Pro Patria and Mõõdukad (in power since March 1999) resigned in January 2002 because of inner conflicts. It has been the longest lasting cabinet in the newly independent Estonia's history. Ex-Prime Minister Mart Laar (Pro Patria), with almost 5 years in power (10.1992-11.1994, 03.1999-01.2002) is the "leading" prime minister of Estonia. Liberal economic reform policies implemented by the first Laar government during its period in office, laid the ground for Estonia's economic success.

2.1.3. Organisation of executive

The organisation of the central executive (on which this analysis is focused) is regulated by the Government of the Republic Act (GRA; adopted in 1995) that has been in force since 1st January 1996. Government agencies include the ministries, the State Chancellery and county governments, as well as executive agencies and inspectorates, and their regional offices with authority to exercise executive power. Government agencies may also regulate state agencies, whose principal function is to provide services to government agencies or to perform other state functions, mainly in cultural, educational and social areas.

According to the GRA, the Government may not be comprised of more than fifteen members. In addition to the ministers named in the Act and the Prime Minister, there are currently two ministers without portfolio (the Minister of Population and Ethnic Affairs, and the Minister of Regional Affairs), who are in charge of a field ascribed to them by the Prime Minister. A typical Estonian ministry consists of approximately six to twelve departments and fewer than 140 staff¹⁷. A ministry is the superior body of executive agencies, inspectorates, and other state agencies within its area of government. Government agencies are accountable to government or to a corresponding minister, who directs and co-ordinates their activities.

Figure 1. Estonian Ministries (October 2002)

Ministry of	Agriculture Culture Defence Economic Affairs Education Environment Finance Foreign Affairs Internal Affairs Justice Social Affairs Transport and Communication
Ministers without portfolio of	Population and Ethnic Affairs Regional Affairs

¹⁷ OECD, Public management profiles: Estonia, <http://www1.oecd.org/puma/sigmaweb/>, (01.01.2002).

In 1993 a major reorganisation of ministries was carried out, when a number of ministries were merged. Although there have not been structural reforms of that size since, the structure of ministries has been far from stable. The re-splitting of the ministries of Education and Culture in 1996 and the movement of the Ministry of Education to Tartu in 2001 can be highlighted as bigger changes, next to quite common structural re-arrangements. Most of the ministries have been established via several smaller or bigger structural re-organisations. Randma argues that “the formation and restructuring of ministries and agencies do not have an explicit internal logic for their real functions and scope of activities and have been weakly analysed. Therefore, the reform of government institutions has mainly been a mechanical reshuffling of existing institutions by reducing their functions or merging them”.¹⁸ More important is the merger of the ministries of Economic Affairs and of Transport and Communication “in order to pursue the policy of retrenchment of costs at the state level”¹⁹. The Coalition cabinet in office since January 2002 has one minister responsible for both ministries. The emergence of ‘European structures’ within the ministries and development of the civil service are discussed later in this article.

2.1.4. Local government

There is no elected regional government in Estonia, but a single-level local government. The representative body of a local government is the council, elected for three years by people permanently resident in the territory of the local authority. All local issues are managed and resolved autonomously by local authorities. The main competencies of local governments are education, health care, public transportation, community services, culture and sports. At the beginning of 2002, there are 247 local government bodies in Estonia. The size of the smallest local unit, the island Ruhnu, is 60 (2000) inhabitants, and the largest, the capital Tallinn, around 400,000 (2001). The average size is 1,000 – 3,000 inhabitants. Reducing the number and increasing the size of local governments has been perceived as the main aim of administrative reform in Estonia. However, due to the sensitive political nature of the issue, involuntary merging of the units has not been undertaken. The Coalition in power since January 2002 has declared the administrative-territorial reform programme as a failure and has promised to “favour voluntary merger of local governments and ensure the covering of the direct merger costs from the state budget”²⁰.

In view of this overall political context of accession, Estonia has passed through critical phases of transition. First, the political breakthrough (1987-1991), second, laying the foundations of the state and third in launching radical economic reforms (1991-1994). At the beginning of 2002, the state is in a further stage of economic and cultural stabilisation, which includes also the further adaptation of the public administration and accession to international organisations like the EU and NATO.²¹

¹⁸ Randma, Tiina (2001a), *Civil Service Careers in Small and Large States: The Cases of Estonia and the United Kingdom*, Baden-Baden: Nomos Verlagsgesellschaft, p. 122.

¹⁹ Coalition agreement of Estonian Centre Party and Estonian Reform Party, signed in Tallinn, 18.02.2002, <http://www.riik.ee/et/valitsus/>.

²⁰ Coalition agreement of Estonian Centre Party and Estonian Reform Party, signed in Tallinn, 18.02.2002, <http://www.riik.ee/et/valitsus/>.

²¹ Lauristin, Marju/ Vihalemm, Peeter (1997), *ibid.*, pp. 84-115.

2.2. Motives for joining the EU

Lippert et al. identify five stages of Europeanisation concerning the relations between the EU and candidate states, which focus especially on broadening and deepening of the relations²². Estonia's efforts to become an EU member state can be characterised by these five stages.

The official relations between Estonia and the European Community (EC) were established in 1991, when the EC recognised Estonia as an independent state. Until the collapse of the Soviet Union, any attempt to establish relationships between the EC and Estonia were controlled by Moscow. At the same time, the co-operation between the EC and other CEECs developed rapidly. For example, Hungary, Poland and Czechoslovakia all concluded trade and co-operation agreements with the EC before 1991 (1988, 1989 and 1990 respectively). In that respect, Estonia and other Baltic states were in a similar situation to Slovenia that gained independence from Yugoslavia in 1991. The Ambassador of the EC to the Baltic States started his work in April 1992. These events can be qualified as a 'pre-stage' of creating first contacts.

Regaining independence brought motivation to strive for 'restoring Estonia's place in Europe'. These aspirations go further than reaching EU-membership. They are related to democracy, openness, welfare and rehabilitation of self-esteem. In December 1993, systematic EU-related activities started in Estonia when a working group was set up by a Government Order to study political, economic, social, legal, financial and other issues concerning Estonia's possible accession to the EU and to prepare corresponding documents. The working group consisted of government officials, representatives of academic and research circles, and members of Parliament. During the two years of its activities, the working group laid down a conceptual foundation for the formulation of Estonia's functions with respect the EU. The following advantages of Estonian EU-accession were outlined:

- Better access to EU markets for Estonian goods;
- Increased security through economic ties with Western European countries and through participation in European security structures;
- Reinforcement of Estonians' European cultural identity, which has been repressed for a long time;
- Solid outlook for development while continuing difficult economic reforms;
- High-level models for legislation, social politics, environmental protection, etc.;
- Increasing attractiveness of Estonia for investors from developed non-EU member countries interested in the EU markets;
- Added stability in economic relations with Russia;
- Increasing investments in Estonia and accompanying technological development;
- Assistance during a difficult period of economic reorganisation;
- Participation in EU joint-programmes (e.g. programmes in the field of education).²³

Although the working group did not present a ranking of the advantages, it can be said that the first three aspects comprise the main expectations towards EU-membership – economic development and prosperity, maintenance of independence (i.e. security) and restoring

²² Lippert, Barbara/Umbach, Gaby/Wessels, Wolfgang (2001), *ibid.*, pp. 985-1001.

²³ State Chancellery (1995), *Estonia and the European Union: Preliminary Theses on Future Membership*, Tallinn, p. 5.

Estonia's place among European states. Avery ascribes the same reasons to all Central and Eastern European states for joining the EU.²⁴ Nevertheless, in the first years of independence, security was the principal issue for Estonia guiding its efforts to become a member of the EU. Sovereignty was regained in extraordinary circumstances and different scenarios for the future remained possible. "Baltic states were small, unknown states without historical image in the neighbourhood of Russia. The status of an EU candidate state is a critical break in the formation of a new identity, both in Estonia and Europe, as well as in Russia."²⁵

In the summer of 1994, the Free Trade Agreement was signed between Estonia and the EU. It came into force in the beginning of 1995 without the transition periods that had been implemented in with all the other CEECs. In June 1995, Estonia signed the Europe Agreement with the EU and two months later the Estonian parliament Riigikogu ratified it unanimously in an extraordinary session. Signing this agreement underlined the Estonian Government's and Parliament's confident aim for their country to become a member of the European Union. The Agreement came into force in the beginning of 1995, excluding transitional periods that had been introduced all the other CEECs. Lippert et al. identify the Europe Agreements to be the beginning ('First stage') of closer relations between the EU and CEECs. In this stage the perspective of future membership becomes increasingly important to any co-operation.

Estonia submitted the request to join the EU in November 1995. This step was preceded by an important event on Estonia's road to full self-determination. In July 1994 a treaty concerning the final withdrawal of the remaining Russian troops from Estonia was signed in Moscow. Lauristin and Vihalemm argue that "solving the problem of the ex-Soviet troops opened new perspectives for Estonia's domestic and foreign policy. Only from that moment on did Estonians feel that they again lived in a free and independent country that was ready to proceed further in its efforts to join the Western economic and political structures, including the EU and NATO."²⁶ The official application for EU-membership signified closer and deeper EU-Estonia relations. In general, this "second-stage" is characterised by pre-accession activities such as administrative adaptations, especially the creation of new co-ordinating structures that are needed to develop closer co-operation between the EU and Estonia.

Following the Luxembourg European Council's decision, the accession negotiations with Estonia were opened in March 1998. This "third stage" of actual EU-Estonian relations is characterised by enormous efforts on the Estonian side to adopt the *acquis communautaire* to be ready for the "fourth stage" of co-operation as full member of the EU.

2.3. Public support

Ruutsoo argues that in their sub-consciousness, Estonians have always realised that it is possible for their small state to maintain independence only in the framework of a larger democratic structure. The "European Union is for all CEECs the symbol of democracy,

²⁴ Avery, Graham (2001), Reunifying Europe, *The World Today*, August/September: 41-43, p. 42.

²⁵ Ruutsoo, Rein (1998a), Euroopa Liit ja Eesti julgeolek, in: Ruutsoo, Rein/Kirch, Aksel, *Eesti Euroopa Liidu lävepakul*, Tallinn: Teaduste Akadeemia Kirjastus, p. 10. See also Raudsaar, Mart (1995), Eestist ja Euroopa Liidust, *Akadeemia*, vol.7, No. 3, pp. 482-483.

²⁶ Lauristin, Marju/ Vihalemm, Peeter (1997), *ibid.*, p. 112.

modernity and civil society”²⁷. Nevertheless, according to different public opinion polls, the percentage of Estonians that support EU-membership is lower than in other Central and Eastern European candidate countries (with 33 percent Estonia and Latvia share, in autumn 2001, the last place in an imaginer ranking)²⁸. The issue became especially important in May 2001, when the proportion of EU supporters reduced even more. According to public opinion polls, in spring 2001, 54 percent of Estonians were against EU-membership and only 35 percent in favour. Until then the percentage of people in favour of EU-membership had constantly been higher than the percentage of population firmly against (15-25 percent on the average). This data drew the attention of the media, the government and the president. Although the percentages had made another dramatic change in August 2001, indicating that the proportion of people supporting the accession to the EU had risen to a four-year high: 54 percent in favour and 39 percent against²⁹. Summing up, the issue of public support for EU-membership seems to be one of the most crucial issues related to the accession.

It is impossible to explain this opposition to EU-membership by some single factors. Many suggest that this opinion is related to a general mistrust in the political elite, because in April 2001, the lowest trust in the Prime Minister, the Cabinet and the Riigikogu since 1995³⁰ were observed. Following the analysed data, most people in opposition to EU-membership are poor, elderly, uneducated and rural.³¹ This means that opposition to EU-membership is the highest in social groups who are actually disadvantaged. All together, the public opinion seems a bit schizophrenic as a majority of Estonians believe that membership would have positive impact on educational possibilities, economic development, employment and security.³²

Reasons for the opposition to EU-membership may lie in another issue revealed by the public opinion polls. There is a lack of information concerning the potential problems and benefits of EU membership. In May 2000, 59 percent of the inhabitants of Estonia said that they do not have enough information about the European Union to decide on accession. Saar and Talts argue that the process of informing people has not been relevant enough to interests and problems of ordinary citizens³³. According to Talts, this outcome is partly due to the preferences of the Estonian press that has chosen modest a position in the debate over European integration - a sort of neutral mediator of information rather than active participant in the debate.³⁴ As a result, intriguing questions have not been raised.

²⁷ Ruutsoo, Rein (1998b), Euroopa Liit ja Eesti rahvusriik, in: Ruutsoo, Rein/Kirch, Aksel, *Eesti Euroopa Liidu lävepakul*, Tallinn: Teaduste Akadeemia Kirjastus, p. 23.

²⁸ Candidate Countries Eurobarometer, Autum 2001
http://europa.eu.int/comm/public_opinion/cceb/cceb20011_en.pdf (02.10.2002).

²⁹ There could have been several reasons for the rising support: 1. Explanations by the leaving President Lennart Meri, whose reputation among the public was very high; 2. The launch of the SAPARD programme in July; 3. An emphasis and exhibition of economic aspects of the European integration by journalists and scientists; 4. The perspective of economic growth that would result in higher salaries and pensions; and probably 5. also little improvements in the rating of government.

³⁰ Rahvas hindab valitsejaid üha madalamalt, *Postimees*, 20.04.2001.

³¹ Vetik, Raivo (2001), Euroliitu suhtumine sõltub elust Eestis, *Postimees*, 13.08. See also Kirch, Aksel/ Brökling, Iris/ Kivimäe, Mart (2001), Images of Europe – The Country Study Estonia, *Social Science in Eastern Europe*, Special edition, pp. 70-82.

³² Vetik, Raivo (2001), *ibid.*

³³ Saar, Andrus (1999), Euro-barometer and Estonian experiences: European Union integration and enlargement – attitudes in Estonia, in: *Society, Parliament and Legislation*, Tallinn: Chancellery of the Riigikogu, p. 55. Talts (2000), *ibid.*, p. 155.

³⁴ Talts, Mait (2000), *ibid.*, p. 158.

Another reason for opposition to EU-membership is the 'shadow' of the past. The consequences of the Soviet period have complicated the present democratisation in several ways. The state with its institutions and authorities represented a hated alien power in the Soviet Estonia and thus people had neither trust nor respect for it.³⁵ This suspicion is still existent today. Consequently, if accession to the EU is widely perceived as an undertaken only for the benefit of the political and economic elite it might bring negative consequences for the prospective EU referendum.

3. Reform of public administration

3.1. Demand for administrative capacity

There are three aspects that make the actual enlargement of the EU very different from the previous ones. There are more candidates than ever before, most of the applicant countries have a level of economic development well below the present members, and many of them have a weak administrative capacity, inherited from the socialist period³⁶. The last aspect, weak administrative capacity, has key importance for the current enlargement round. No assessment of existing administrative systems of candidates has been done during the preparation of the previous accessions³⁷. However, this time, present EU member states want to be sure about the candidates' ability to apply European Union's policies and rules effectively. This 'confidence factor' is an element that distinguishes the present enlargement round from its predecessors³⁸. The centrality of trust in these negotiations has been brought out also by the Estonian ex-Minister of Foreign Affairs Toomas Hendrik Ilves: "Candidates try to convince member states that at the time of accession they will be ready. Member states try to find convincing evidence that would confirm these promises."³⁹ There are more than 80 000 pages of the *acquis communautaire* that need to be adopted and implemented during the pre-accession period. There will be many more regulations that need to be negotiated, decided and implemented once Estonia has joined the EU. This cannot be done without effective administrative structures.

The concern of member states can be easily understood. A too wide divergence among member states in their administrative capacities to transpose and effectively implement EU legislation could lead to considerable distortions in the functioning of the internal market. The focus of the EU on candidates' administrations still attracts closer attention as there are no EU-rules regarding public management. In keeping with the principle of subsidiarity, national administrations lie within is the responsibility the competences of national governments.⁴⁰

³⁵ Raik, Kristi (1998), Towards substantive democracy? Tampere: University of Tampere, p. 58.

³⁶ Avery, Graham (2001), *ibid.*, p. 42.

³⁷ Ziller, Jaques (1998), EU Integration and Civil Service Reform, in: *Preparing Public Administrations for the European Administrative Space*, Sigma Papers no. 23, Paris: OECD, p. 138.

³⁸ Avery, Graham (2001), *ibid.*, p. 42.

³⁹ Ilves, Toomas Hendrik (2000), *ibid.*.

⁴⁰ Fournier, Jaques (1998b), Governance and European Integration – Reliable Public Administration, in: *Preparing Public Administrations for the European Administrative Space*, Sigma Papers no. 23, Paris: OECD, p. 120.

Nicolaidis maintains that the implementing capacity of prospective members would have been an issue in this enlargement even if the candidates had highly developed administrations.⁴¹ Substantial responsibilities are delegated to the member states, who act as agents of the Union at national level. Consequently, a strong focus of the EU on the administrative capacities of its prospective members derives very much from the nature of the integration itself. It is also reflected in the 'peer-pressure' increasingly exerted by member states on one another.⁴² It should be noted in this context that the burden of accession on CEECs is far greater than for previous entrants. Compared to Portugal and Spain, the CEECs special situation of transition means that they have to make more efforts from their starting position to achieve the conditions that will make membership possible.⁴³ At the same time, the *acquis* is still expanding. Candidates will be successful applicants and effective members only if they succeed in creating professional and stable public administrations.

3.2. Development of administration

When regaining its right of self-determination in 1991, Estonia was hardly equipped to function as a stable and independent state. This meant the need for restructuring and downsizing of the old structures on the one hand, and for creating new structures required by an independent state, on the other. The state structures inherited from Soviet Estonia were neither comprehensive – because many functions belonged to the central government in Moscow – nor compatible with new demands.⁴⁴ Estonians had to build up their state and its legal and economic structures virtually from scratch.⁴⁵ Lieven has named the first year of independence a 'Year Zero', recognising the unique position of the Baltic States. "In comparison with the countries of Eastern Europe, the Baltic states, as constituent parts of Soviet Union, were at a colossal disadvantage, as they set out to free themselves from Communism and reform their states and economies. Whereas the East European satellites possessed at least the formal attributes of independent statehood, however theoretical they might be, the Baltic states lacked their own currencies, armed forces, border guards, diplomatic services, central or even local banks, railways, airlines, and even tourist offices. The Balts had effectively been insulated between two Iron Curtains, since the Soviet frontier with Eastern Europe had also been largely closed."⁴⁶

The Soviet state's political-administrative apparatus, the *nomenklatura*, inherited from communism was characterised by an autocratic management style, partisanship and partiality, official corruption and secrecy, and as inadequate concern for efficiency.⁴⁷ In addition to proceeding with the reconstruction of all its legal structures, economic relations and political institutions, Estonia was in a situation where a vast immigrant group, making up

⁴¹ Nicolaidis, Phedon (2000), *Enlargement of the European Union and Effective Implementation of its Rules*, Maastricht: European Institute of Public Administration, p. 7. Nicolaidis regards 'implementing capacity' as a wider term covering also 'administrative capacity', see *ibid.*, p. 10.

⁴² Verheijen, Tony (1999), *Civil Service Systems in EU Candidate States: Introduction*, in: Verheijen, Tony (ed.), *Civil Service Systems in Central and Eastern Europe*, Edward Elgar, p.86.

⁴³ Fournier, Jacques (1998b), *ibid.*, p. 123.

⁴⁴ Randma, Tiina (2001a), *ibid.*, p. 121.

⁴⁵ Lauristin, Marju/Vihalemm, Peeter (1997), *ibid.*, p. 100.

⁴⁶ See Lieven as quoted by Lauristin, Marju/Vihalemm, Peeter (1997), *ibid.*, p. 100. For example, in the beginning of 1990, there were only 12 people working for the Estonian Ministry of Foreign Affairs. In 2001 the number is 520. Source: Ministry of Foreign Affairs, http://www.mfa.ee/est/kat_195/865.html, (17.03.2002).

⁴⁷ Vanagunas, Stanley (1999), *The Civil Service Reform in the Baltics*, in: Verheijen, Tony (ed.), *Civil Service Systems in Central and Eastern Europe*, Edward Elgar, pp. 226-227.

about 40 percent of the population (mainly Russians or Russian speakers), had to be integrated culturally and politically with the native population.⁴⁸ In the second half of the 1990s, public administration has had to absorb yet another voluntarily taken burden in the form of accession to the EU.

Overcoming the deficiencies named above required a strong political will as the reform of cross-governmental systems like personnel, policy-making, accountability, budgeting etc. cannot be done without determined action. At the same time, it is common to CEECs that other structural reforms of transition have left the public administration reform in the shadow.⁴⁹ In Estonia, the development of public administration is far behind the economic reforms initiated.⁵⁰ For years, the term 'administrative reform' has been associated only with the merging of local self-governments. It has obscured the need for more complicated reforms of state administration.

In April 2001, the Government of Estonia approved a general Public Administration Reform Programme. The main reasoning for this reform is, that it refers to the improvement of administrative capacity as a means of increasing Estonia's ability to defend its interests on the international stage. The European Commission has found the adoption of the programme to be a significant step in the further improvement of the functioning of Estonian civil service.⁵¹ The Government's Programme specifies five reform 'strategies' or fields: (1) development of local self-government and regional administration, (2) optimisation of co-operation and division of responsibilities between governmental institutions, (3) financial management and budgeting and strengthening of internal audit, (4) development of citizen-oriented administration, and (5) development of a public service.⁵² Activities in these fields are currently taking place, but in general, centrally co-ordinated administrative reform is not actually on the agenda. The political and economic environment inevitably influences public administration reform longevity and outcomes.⁵³ Unfortunately, every change of Estonian government has brought also new considerations regarding the reform. At the same time, this reform is in much more need of stability and continuity than any other. The political coalition in office since January 2002, has again addressed the issue of administrative reform only from the perspective of merging local governments. The reform of administrative structures of the state has been a topic of many discussions, but few co-ordinated results have been achieved.

The EU has evaluated candidates since 1997. In its 2000 report the European Commission found that the progress in Estonia's modernisation of public administration has been limited.⁵⁴ The need to strengthen the administrative capacity was referred to in almost every chapter of the *acquis communautaire*. Although the 2001 report was more positive with regard to administrative capacity it found that structures work in a satisfactory way and identified

⁴⁸ Lauristin, Marju/Vihalemm, Peeter (1997), *ibid.*, p. 117.

⁴⁹ Randma, Tiina/Viks, Külli (2001), *Civil services in Central and Eastern Europe: a comparative study*, presentation at the 25th International Congress of Administrative Sciences, Athens 9–13 July, p. 3.

⁵⁰ Randma, Tiina (2001b), *A Small Civil Service in Transition: The case of Estonia, Public Administration and Development* 21, p. 42.

⁵¹ European Commission (2001), *Regular Report on Estonia's Progress Towards Accession*, Brussels: European Commission, p. 17.

⁵² Vabariigi Valitsuse haldusreformi programm, heaks kiidetud Vabariigi Valitsuse poolt 24.04.2001.

⁵³ Ingraham, Patricia (1996), *ibid.*, p. 263.

⁵⁴ European Commission (2000), *Regular Report on Estonia's Progress Towards Accession*, Brussels: European Commission, p. 14.

encouraging developments in several chapters - it still emphasised the weak co-ordination between different administrative bodies and limited progress.⁵⁵ Improvement of co-ordination and transparency in personnel matters were brought out as fields especially in need of attention.⁵⁶ Concerning the capacity to implement and effectively enforce the *acquis communautaire*, Estonia was found to have most of the necessary institutions in place and deserved recognition for progress in developing its administrative capacity. However, "continued efforts are required in specific sectors"⁵⁷, like fisheries or social policy and employment.

The pursuit of European integration, with the final objective of EU-membership, changes the content, timing, sequencing and significance of administrative reforms in the candidate countries.⁵⁸ No minor importance can be attributed to the European Union's financial assistance and support for 'institution building' in the CEECs. Estonia has received assistance from the EU since 1991 when the Baltic countries were included in the Tacis-programme of technical and financial assistance. In 1992, the newly independent Baltic States were transferred to the Phare programme, while Tacis remained the programme for the CIS states.⁵⁹ The 1997 decision of the European Council to launch the present enlargement process has shifted Phare's attention from general economic, social and political transition to pre-accession assistance. Since 1998, 21 twinning projects have been approved and are at various stages of implementation. Altogether, during the period between 1992 and 2000, the Phare programme has allocated Estonia 223.5 million Euro and its impact is perceived to be positive by the Commission.⁶⁰ Raik argues from a more critical point of view that also certain deficiencies can be found, like a limited role of applicant countries in carrying out the Phare programmes, and insufficient planning and lack of co-operation between the EU and those the receiving assistance.⁶¹ The evaluation of the Phare projects between 1998 and 2000, carried out jointly by Estonian Ministry of Finance and the EC Delegation in Estonia, indicated that the main hindrance to effective application of projects was insufficient co-operation between institutions.⁶² Besides Phare, the other two pre-accession instruments have been introduced in Estonia. In September 2001, Estonia became the first country to make a payment to a beneficiary farmer under the SAPARD programme. In the same year, also five ISPA projects were approved, four in the environmental sector and one in the transport sector.⁶³

3.3. Civil service

The organisation of the civil service can be considered as the centre of public administration. It is difficult to improve the performance of administration without an active support of civil servants. Civil service reform is a sub-goal of the broader administrative reform.⁶⁴

⁵⁵ European Commission (2001), *ibid.*, p. 17.

⁵⁶ European Commission (2001), *ibid.*, p. 24.

⁵⁷ European Commission (2001), *ibid.*, pp. 87-88.

⁵⁸ Fournier, Jacques (1998b), *ibid.*, p. 134.

⁵⁹ Raik, Kristi (1998), *ibid.*, p. 91.

⁶⁰ European Commission (2001), *ibid.*, pp. 9-13.

⁶¹ Raik, Kristi (1998), *ibid.*, p. 95.

⁶² Ministry of Finance 2000 a, Ülevaade Eesti Vabariigile eraldatud riikliku välisabi kasutamisest ja selle tulemuslikkusest. <http://www.fin.ee> (04.09.2001).

⁶³ European Commission (2001), *ibid.*, p. 12-13.

⁶⁴ Randma, Tiina/Viks, Külli (2001), *ibid.*, p. 4.

Consequently, securing a professional and stable body of civil servants is a critical task with regard to Estonia's successful participation in European structures. "A well-designed and ably-managed civil service is a guarantee of reliability, professionalism, impartiality and continuity in governance"⁶⁵.

The Soviet administration that Estonia inherited from the communist regime was characterised by the domination of one party, over-politicisation and a prevalence of personal loyalty over professionalism. There was a lack of coherence and little co-ordinated staffing and personnel management.⁶⁶ Although foundations had been laid down for development of a professional and stable civil service during the first period of independence (1918-1940), not much of it survived during the Soviet occupation. When independence was gained in 1918, all three Baltic States quickly established civil service systems. As provinces of Russia, the Balts were administered by the Tsar's imperial civil service and thus gained direct experience with the concept of a professional governmental administration (modelled on the Prussian system). As the bureaucracy of that time was a modernising force in the empire, the intelligentsia of the newly independent Baltic States were quite familiar with the concept of a professional public administration and, taking account also of German experience, founded civil service systems of their own.⁶⁷ After the changes of the 1940s and 1950s, however, hardly any civil servants of the Republic of Estonia remained in service. The top civil servants were exterminated and medium-level clerks sent to prison.⁶⁸

3.3.1. A 'Nordic' system

During past decades, the soviet administration occupied nearly every sphere of life and there was no need for an Estonian concept of public service. After regaining independence, the staff working for the state's public institutions were subordinated to general labour law until 1996, when the new Public Service Act came into force (adopted in 25 January 1995). With the effectuation of the act, employees working on the positions in the state and local government institutions who fulfilled the general criteria (21 years of age, Estonian citizenship, secondary education, knowledge of Estonian language) became officials without exams or a probationary period. An extension period was applied in certain branches of public service, where most of the employees did not fulfil the criteria (e.g. prison guards).⁶⁹ Besides taking the regular oath of service, until 31 December 2000, a candidate for any elected or appointed office had to take a written oath that one "has not been in the service or an agent of a security organisation, or of an intelligence or counterintelligence service of the armed forces of a state which has occupied Estonia, nor participated in the persecution or repression of persons

⁶⁵ Fournier, Jacques (1998b), *ibid.*, p. 131.

⁶⁶ Synnerström, Staffan (2001), *Professionalism in Public Service Management: The Making of Highly Qualified, Efficient and Effective Public Managers*, <http://www.oecd.org/puma/sigmaweb/acts/civilservice/docs/ssy1.htm> (22.04.2001).

⁶⁷ Vanagunas, Staneley (1999), *ibid.*, pp. 215-216.

⁶⁸ Sootla, Georg/Roots, Harry (1999), *The Civil Service in the Republic of Estonia*, in: Verheijen, Tony (ed.), *Civil Service Systems in Central and Eastern Europe*, Cheltenham, p. 238.

⁶⁹ The Public Service Act foresaw a mechanism for evaluating the human resources with regard to their suitability for public service. It was foreseen in a form of comprehensive evaluation of education, experience, knowledge, skills and abilities of all officials who were in service in 01.01.1996. The expected result of evaluation was a decision regarding every official whether he/she is suitable for the position and responds to demands specified for groups of officials (junior, senior, higher). Unsuitable officials were supposed to be released from the service. However, the appraisal system never started to work and in 1998 the procedure was amended in order to make it 'softer' and more development oriented.

because of political beliefs, disloyalty, social class or service in the civil or defence service of the Republic of Estonia”⁷⁰.

Vanagunas argues that the primary driving force behind the establishment of Baltic civil service systems was securing the legitimacy of relatively new sovereign and democratic governments through eventual entry into the EU.⁷¹ The adopted civil service act reflected the prevailing civil service system standards in the West. Reasons for this harmonisation can be found in the assistance of SIGMA and PHARE programmes, which intend to make civil service practices compatible with EU standards, and the influence of the Scandinavian states on the general direction of Baltic reforms.⁷² Estonia has opted for an open, position-based Scandinavian-like civil service system.⁷³ Although the system resembles the Scandinavian system, it can be said that Estonian lawmakers were more influenced and impressed by the German system of public service, which is based on life-long employment and career-options. The implementation of a career-based service would have been expensive and very complicated with its demands for uniform application and a sufficient pool of candidates for long-term employment. Here, the Latvian experience shows that a less developed country may not be able to face such challenges.⁷⁴

3.3.2. Characteristics of civil service

In the beginning of 2001, 18 840 civil servants were working in the Estonian ministries and in the institutions under their supervision. 2217 (11.8 percent) of them were employed by 12 ministries named earlier. Women constituted 50.2 percent of the civil servants. Estonian civil servants are relatively young. 29.9 percent of them were younger than 31 years and 55.6 percent younger than 41 years. Nearly 60 percent of the ministerial officials were younger than 41 years. Contrary to the common belief that too many public servants in CEECs bear soviet legacy, the overwhelming majority of the Estonian civil servants have entered the service during the years of independence and were not part of Soviet administrative system. 77 percent of civil servants working in the Estonian ministries and in the institutions under their supervision have been working in the civil service for less than 11 years. In the ministries this figure was even 83.7 percent.⁷⁵ Although there is no data to substantiate this, one could speculate that these characteristics imply that Estonian officials are proportionately pro-European.

⁷⁰ The Constitution of the Republic of Estonia Implementation Act, adopted with the Constitution on referendum, 28.06.1992, § 6.

⁷¹ Vanagunas, Staneley (1999), *ibid.*, p. 213.

⁷² Vanagunas, Staneley (1999), *ibid.*, p. 222.

⁷³ In position systems, public servants are recruited for a particular post and employment conditions are established as a synthesis of the demands of the employing department, unions and, also, individual public official. The main feature of career systems, for a comparison, is that public servants are recruited at the bottom of a specific career, along which they are subsequently, according to statutory regulations, promoted and remunerated. These systems are highly hierarchical and employment within them is a life-long commitment. See Auer, Astrid/Demmke, Christoph/ and Polet, Robert (1996), *Civil Services in the Europe of Fifteen: Current Situation and Prospects*, Maastricht: European Institute of Public Administration, pp. 31-32.

⁷⁴ Vanags, Edvins/Balanoff, Howard R. (1999), *Latvia: A Civil Service System in Development*, in: Verheijen, Tony (ed.), *Civil Service Systems in Central and Eastern Europe*, Cheltenham, pp. 267-298.

⁷⁵ State Chancellery of Estonia, Riigikantselei (2001), *Avaliku teenistuse aastaraamat 2000*, Tallinn: Riigikantselei, pp. 16-19.

According to the European Commission, Estonian civil servants generally perform their tasks in an impartial and politically neutral way. Corruption is a “relatively small problem”⁷⁶ for Estonia. Transparency International’s Corruption Perceptions Index 2001, ranked Estonia on 28th of 91 surveyed countries – on the highest position achieved by CEECs and ahead of EU member states Italy and Greece.⁷⁷ A means for fighting corruption in public service is offered by codes of ethics. Such codes are especially important in transformation societies that lack administrative traditions, or suffer from ambiguity of values and economic means.⁷⁸ Expectations in the behaviour of Estonian officials are expressed in the Public Service Code of Ethics adopted with an Anti-corruption Act in 1999 as a supplement to the Public Service Act. According to this legislation, Estonia has opted for a code that is integrity-based, rather than compliance-based – the code lays the ground for ethical behaviour in public service by signalling the underlying principles and values of public service.⁷⁹ Although corruption is not the primary problem in the Estonian civil service, and although an important step has been taken with the adoption of a behavioural code, there are still efforts to be made in creating general knowledge and a better understanding of ethical principles among officials.

3.3.3. Management of the system

The management of human resources in the Estonian public administration is decentralised. Every ministry and executive agency is responsible for recruiting, evaluating and organising the work of its officials within the established legal framework. The European Commission has indicated the lack of co-ordination as a main problem in the Estonian civil service. The lack of a cross-administration system of training and personnel management reinforces other problems, like relatively high turnover of staff, the lack of qualified people in middle management and at technical levels.

The central co-ordination of civil service is divided between several institutions. The State Chancellery is responsible for the co-ordination of training and performance appraisal of civil servants. The Ministry of Finance has authority in questions related to remuneration. The Ministry of Justice is responsible for legal aspects and the Ministry of Interior deals with issues related to local government. Consequently, there is currently no centre of competence for the civil service, which would have the necessary management capacity for disseminating know-how and creating general rules and guidelines needed in a decentralised system. The problem of co-ordination and other issues like the definition and division of civil servants, remuneration etc. are addressed in a new draft of Public Service Act, which still has to be ratified by the Riigikogu (at the beginning of 2002).

Purposeful human resource management is an important prerequisite in the development of a ‘good government’.⁸⁰ Among other activities the need of central co-ordination and support, and the training of civil servants is frequently emphasised by the European Commission. Besides rising general administrative capacity, the training should also address the

⁷⁶ European Commission (2000), *ibid.*, pp. 14-17; (2001), *ibid.*, p.19.

⁷⁷ Transparency International, The 2001 Corruption Perceptions Index, <http://www.gwdg.de/~uwww/2001Data.html> (18.11.2001).

⁷⁸ Ahi, Kaili/ Leno, Saarniit (2000), *Eetikakoodeksite ja eetika infrastruktuuri osa korruptsiooni ennetamisel, Juridica VIII*, pp. 492-493.

⁷⁹ The Code of Ethics provides officials with 20 guidance for behaviour, e.g. first, “An official is a citizen in the service of people”, or fourth, “Public authority shall be exercised solely in the public interest”.

⁸⁰ Randma, Tiina/ Viks, Külli (2001), *ibid.*, p. 4.

candidates' ability to interact on and with the European level. A key to successful participation in European decision-making structures lies in stability. It is hard to over-estimate the importance of building detailed knowledge of how the EU works within the administration. A keen understanding of the dynamics of complex negotiations, the attitude of other member states and the EU institutions is as important as technical competence in the policy area.⁸¹ According to the Adults' Schooling Act, in Estonian public institutions must earmark 2 to 4 percent of their payroll for training.⁸² Preparation for pre-accession activities and participation in the structures of the European Union are addressed in the EU Training Strategy for Civil Servants, approved by the Council of Senior Civil Servants in 21 April 1999. The Strategy is already second by number (first was approved 28 May 1997) and is complemented by a programme for application of the Strategy for 2000-2002.⁸³

For 2002, the main goals in the field of EU training are:

- basic EU training for all groups of civil servants including officials of County Governments and local self-governments;
- preparation of officials engaged in law-drafting and evaluation of policies;
- preparation of officials who will represent Estonia in different EU working groups and committees;
- support for trainers in developing and carrying out their EU training programmes;
- provision of officials with learning materials for independent studying;
- improvement of co-ordination and exchange of information in EU training; and
- support for development of other knowledge and skills needed for participation in the accession process, e.g. language skills.⁸⁴

In addition to general development of the civil service and preparation for the EU decision-making process, the CEECs have to anticipate issues related to the free movement of workers within the Union. 60 to 90 per cent of public service jobs are today open to citizens of all member states.⁸⁵ This means that the 10 to 40 percent reserved for nationals have to do with the "exercise of powers conferred by public law and with responsibility for safeguarding the general interest of the state"⁸⁶. Accordingly, CEECs have to establish precise criteria in order to determine, which positions are only for nationals. In Estonia the issue seems to be of little urgency as the country has opted for a restricted definition of the civil service in common with the majority of CEECs whereby civil servants are only those who hold public authority or are directly involved in policy making, law drafting or implementation of legislation.⁸⁷ The

⁸¹ OECD (1998), *ibid.*, p. 12. Soetendorp, Ben/ Kenneth, Hanf (1998), Conclusion: The Nature of National Adaptation to European Integration, in: Hanf, Kenneth/Soetendorp, Ben (eds.), *Adapting to European Integration: Small States and the European Union*, London, New York: Longman, p. 192.

⁸² Täiskasvanute koolituse seadus (Adults' Schooling Act), adopted by Riigikogu 10.11.1993, Riigi Teataja I 1993, 74, 1054.

⁸³ Ametnike eurokoolituse strateegia (EU Training Strategy for Civil Servants), approved by the Council of Senior Civil Servants 21.04.1999. Eurokoolitusstrateegia rakendamise aastatel 2000 kuni 2002 (Implementation of EU Training Strategy in 2000-2002), February 2000, European Institute of Public Administration, Phare project ES96.20.01.01.

⁸⁴ Vabariigi Valitsuse tegevuskava Euroopa Liitu integreerumiseks 2001 (National Program for the Adoption of the Acquis 2001).

⁸⁵ Cardona, Fransisco (2000), Scope of Civil Services in European Countries: Trends and Developments, Presentation, European Institute of Public Administration, 13-14 November, <http://www1.oecd.org/puma/sigmaweb/> (29.01.2002), p.6.

⁸⁶ European Court of Justice, Case C-149/79, Commission vs. Belgium.

⁸⁷ Cardona, Fransisco (2000), *ibid.*, p. 12.

issue is explicitly addressed also in the new draft of the Public Service Act, which restricts the current definition of civil service even more by relating it to the exercise of public powers.

3.4. Constraints of a small state

When analysing Estonia one must keep in mind the small size of the state. Although the territory of Estonia is comparable to Belgium, the Netherlands or Denmark (states, which are considered to be small states in the EU), with its 1.36 million population, Estonia is up to ten times smaller than the above-mentioned countries. Regardless of differing perspectives on defining the 'smallness' of the state, the size of population has been found to be the primary factor determining the special characteristics.⁸⁸

Administrations of small states are constrained by small-sized organisations, limited resources and limited career perspectives for qualified staff. There is only a small pool of skilled workers to perform key roles in the civil service. It is often difficult to separate people from functions, as jobs tend to become personalised. It happens that functions change organisations with people. In a small state there is a greater amount of mixing between politicians and civil servants, and stronger personal networks beyond political ties, so that it can be difficult to maintain totally separate and discrete roles. Closer social relations have both good and bad implications. On the one hand, it may threaten the objectivity of decisions. On the other, the policy-making process may benefit from stronger networking and better collaboration. Small systems allow closer access to decision-makers. Perhaps the biggest benefit would be that small systems have built-in flexibility, which makes it easier to adapt to changes.⁸⁹ The same symptoms apply also to Estonia and help to understand the functioning of its administration.

The EU pays a lot of attention to the administrative capacities of the candidates, but does not provide a specific model for the organisation and functioning of public administrations. At least not explicitly. Fournier has found that the European Commission implicitly refers to the "classical model", the "Weberian model", of administration prevailing in most EU countries especially with regard to the civil service.⁹⁰ Although the conventional public services of industrialised democracies have several features in common, the Weberian vision of bureaucracy fits better with the public service regimes that can be classified as "career systems". The European Commission "is implicitly but unmistakably in favour of a career civil service".⁹¹

Students of small states warn of inappropriateness of administrative systems developed for much larger states. Small states experience many difficulties in trying to find alternatives to

⁸⁸ For discussion related to defining the size see Baker, Randall (1992), *Scale and Administrative Performance: The Governance of Small States and Microstates*, in: Baker, Randall (ed.), *Public Administration in Small and Island States*, Kumarian Press, pp. 5-25. Raadschelders Bivin, Julie (1992), *Definitions of Smallness: A Comparative Study*, in: Baker, Randall (ed.), *Public Administration in Small and Island States*, Kumarian Press, pp. 26-33.

⁸⁹ Randma, Tiina (2001b), *ibid.*, pp. 48-49. Baker, Randall (1992), *ibid.*, pp. 15-21.

⁹⁰ Fournier, Jacques (1998a), *Administrative Reform in the Commission Opinions Concerning the Accession of the Central and Eastern European Countries to the European Union*, in: *Preparing Public Administrations for the European Administrative Space*, Sigma Papers no. 23, Paris: OECD, p. 113.

⁹¹ Fournier, Jacques (1998a), *ibid.*, p. 113.

break away from large-state patterns⁹², especially if these are presented as best practices from developed countries. In addition, because of overlap, problems of development can be easily confused with the specific characteristics of small states: personal relationships, reluctance to take decisions, high levels of uncertainty and lack of skilled human resources. It is difficult to separate the relative importance of the two dimensions. For reasons deriving from the size of the state and its historical legacy, it would be very difficult to support development of a career-based system for the civil service in Estonia. Applicant countries can usefully explore the solutions adopted in other countries that share with them common values regarding the rule of law, democracy and the market economy, but it is important not to take existing civil services of EU members as models.⁹⁴ Administrative structures and their functioning in the candidate states can be evaluated only from the perspective of whether these are appropriate to reach the objectives of the European Union.

4. Configuration of 'European' structures in Estonia⁹⁵

Participation in the European Union's decision-making process requires efforts from all member-states. These constraints are amplified in the case of smaller member states that must mobilise comparatively higher administrative resources in order to participate in European negotiations.⁹⁶ In any case, successful promotion of national interests within the context of European co-operation presupposes the development of appropriate structures and processes for mobilising domestic support as well as for co-ordinating the activities through which these national inputs to the EU decision-making process are developed.⁹⁷ Candidate states from CEE must be able to deal with European issues by involving their entire government. At the same time, the CEECs tend to put emphasis on structures for political decision-making rather than on administrative preparation. The development of administrative structures for the preparation of policy proposals and assuring their stability appear to be the weakest elements in the institutional development process in post-communist candidate states.⁹⁸

4.1. Central co-ordinating bodies

The need for central co-ordination of the policy-making process on national level cannot be underestimated: The "most difficult element of the negotiations is the 'home front'"⁹⁹. In December 1994, the Estonian Government adopted a resolution in order to establish a system for the organisation of inter-ministerial activities with respect to Estonia's accession to the EU. The decisions on the structure of the system of inter-ministerial co-ordination were not easy to agree. For two years (1995-97), there was a minister without portfolio (Minister of

⁹² Wettenhall, Roger (1992), *Small States: Some Machinery-of-Government Considerations*, in: Baker, Randall (ed.), *Public Administration in Small and Island States*, Kumarian Press, p. 58.

⁹³ Randma, Tiina (2001b), *ibid.*, pp. 49-50.

⁹⁴ Ziller, Jacques (1998), *ibid.*, p.139. See also Drechsler, Wolfgang (1997), *Riigiteenistust reformides lõksu, Postimees* 17.04..

⁹⁵ See Graph 1.

⁹⁶ Hoscheit, Jean-Marc (1992), *ibid.*, p. 267.

⁹⁷ Hanf, Kenneth/Soetendorp, Ben (1998), *Small States and the Europeanization of Public Policy*, in: Hanf, Kenneth/Soetendorp, Ben (eds.), *Adapting to European Integration: Small States and the European Union*, London, New York: Longman, p. 6. Fournier (1998b), *ibid.*, p. 123.

⁹⁸ OECD (1998), *ibid.*, p.11.

⁹⁹ OECD (1998), *ibid.*, p.12.

European Affairs) responsible for steering the integration process. However, as the position was not equipped with the necessary authority and, therefore, could not ensure a coherent and effective integration process, it was abolished. The responsibility for co-ordinating accession to the EU was taken over by the Prime Minister.

The management of EU-affairs in Estonia is decentralised. The organisational structure is based on the principle of strong ministries, which are responsible for the harmonisation of law in their area of government.¹⁰⁰ There is no powerful central steering body. After all, hierarchical management functions are an effective means of co-ordination in a situation where institutions are well integrated and have a clear function. If organisations are structured more loosely or are involved in complex policy areas requiring multiple information exchanges and interactions, the efficacy of the hierarchy is reduced.¹⁰¹

The principal governmental structures for preparing and co-ordinating Estonia's EU-accession were outlined by the Order of Government of January 1996. These institutions are the Committee of Ministers, the Office of European Integration and the Council of Senior Civil Servants.¹⁰² The central co-ordinating body for accession negotiations is the Ministry of Foreign Affairs. It is difficult to classify the Estonian model of co-ordination either as Prime Minister-centred, or as Foreign Ministry centred, as the co-ordination functions are divided between the two. In practice, the Ministry of Foreign Affairs leads the Negotiation Delegation and is supported by an Office of European Integration belonging to the Prime ministerial administration.

4.1.1. Committee of Ministers

The Committee of Ministers was originally designed to bring together the heads of the ministries with the most important role in the accession process (Prime Minister, Ministers of Foreign Affairs, Finance, Agriculture, Economic Affairs, and Justice). The role of the Committee was to formulate the Estonian strategy for accession and to make political decisions that would not presume the engagement of the whole cabinet. However, as the questions related to the accession to the EU have become part of the daily work of the administration, the Committee of Ministers exists only formally. Issues related to the accession negotiations are discussed, and negotiating positions are decided, in cabinet meetings. The Implementation of the National Programme for the Adoption of the Acquis (NPAA) is on the agenda of the Government every first Tuesday of a month. The Prime Minister (with the presence of officials of the Office of European Integration) holds EU-related bilateral meetings with ministers once every two months to evaluate the progress regarding the NPAA. This practice was initiated by PM Siimann (1997-1999) and has been maintained by following cabinets.

¹⁰⁰ Pisuke, Heiki (1996), Estonia and the European Union: European Integration in Estonia, *Juridica International*, 1, <http://juridica.ut.ee/Juridica/International/1996/n-1/art1.htm>, (13.02.2001).

¹⁰¹ Peters, B. Guy (1998), *ibid.*, pp. 298-299.

¹⁰² Eesti Vabariigi Euroopa Liitu integreerumiseks vajalike esmaste abinõude rakendamise (Implementation of Primary Measures Necessary for Estonia's Accession to the EU), the Order of the Government No 79-k of 30 January 1996, *Riigi Teataja I* 1996, 8, 170.

4.1.2. Office of European Integration

The Office of European Integration (OEI, 16 employees) is occupied with steering the integration process within the public administration. It is a co-ordinating institution for all work to be done in adopting and implementing the *acquis communautaire*. The OEI reports directly to the Prime Minister and belongs to the structure of the State Chancellery. The staff has not been changed for two years. The World Bank recommends increasing the staff of OEI, stating that is “limited by too few resources”¹⁰³.

From 1996 to 2001, the Office was led by the economist Henrik Hololei (born 1970). After graduation from university and before accepting a position in the OEI (1993-1995), Hololei worked as an adviser for the Finnish Union of Foreign Trade. In the Office, he started as an adviser to the Minister of European Affairs. In October 2001, after the resignation of the Minister of Economic Affairs Mihkel Pärnoja, Hololei (member of the Moderates) accepted the position of minister. However, his career as a politician was short as the Cabinet resigned soon afterwards in January 2002. Statements in the media indicated that he was ready to return to the Office, if his experiences were needed, and in March 2002, Hololei, ‘the father of Estonian Euro-integration’, was again named head of the OEI. Since February 2002, Hololei is also a substitute member of a Convention on the future of the EU. Märt Kivine (born 1967, journalist background, previous position in the Ministry of Foreign Affairs), who took the position of the head of the OEI in December 2001, continues on a newly created position of a vice-head of the office.

The Office was originally established as a body primarily serving the Committee of Ministers and the Council of Senior Civil Servants (see below). However, during six years of functioning it has obtained several additional tasks and has developed more into a centre of strategic planning and analysis. Structural reform carried out in April 2001, which resulted in a division of the Office into four units (Divisions of Internal Co-ordination, Foreign Co-operation, EU Training, Planning and Analysis) has brought more clarity to its responsibilities and competencies. The OEI prepares the sessions of the Council, supervises the implementation of the NPAA, scrutinises the need for technical assistance and training, develops and implements the EU training strategy, and exchanges information and materials concerning the integration process with ministries, the European Commission and other institutions.

4.1.3. Council of Senior Civil Servants

The head of the OEI is also the head of the Council of Senior Civil Servants (CSCS). The CSCS brings together senior officials from all ministries, representatives of the Bank of Estonia and the OEI. Representatives of the European Affairs Committee of the Riigikogu (a civil servant), the Office of the President, and the Legal Translation Centre may attend these meetings as observers. The CSCS meets regularly every two weeks. Its tasks include the development and discussion of the accession strategy, surveying and discussing its implementation, composition of the NPAA and its submission to the cabinet, drafting agendas and decisions for the cabinet, and making proposals concerning the uniform government policy on accession. The Council functions as a forum for discussion, exchange of information and experience, and division of responsibilities.

¹⁰³ World Bank (1999), *ibid.*, p.19.

The CSCE has established several working groups for analysing certain problems more in-depth and finding common solutions. The first of these were the working groups for information technology, and training of state officials.¹⁰⁴ There are currently working groups on training, foreign aid and informing the public. On the initiative of CSCE a mapping of EU working groups and committees was initiated in 2001 in order to identify the number and characteristics of officials who need training in order to participate in the EU law-making process. Of the 405 different working groups and committees counted, 115 belonged to the Ministry of Social Affairs, 98 to the Ministry of Finance and 93 to the Ministry of Economic Affairs. 301 officials were identified who would participate in these committees. Officials were counted with an assumption that one official can represent Estonia in his/her field of competence simultaneously in a committee as well as a working group of the Council of Ministers. That presumption allowed keeping the number of people rather small.¹⁰⁵

4.2. Ministry of Foreign Affairs

The Ministry of Foreign Affairs plays a central role in the accession process. The Ministry is responsible for the co-ordination of the accession negotiations and international communication more generally. Issues related to the EU have occupied a major position on the Ministry's agenda since January 1992, when the Estonian Ambassador was accredited by the European Community in Brussels. A special EU-unit for the co-ordination of the work within the Ministry of Foreign Affairs, the Group of European Union, was established on 1 January 1995. Today, the functions are concentrated in the Department of European Integration, which was established in 1997 and consists of three units (14 experts). The Department of European Integration communicates with other departments and divisions in the ministry, with the OEI, and other ministries and institutions. The accession-related activities within the Ministry are subordinated to a Vice-Secretary of State for European Integration Affairs, Alar Streimann, an experienced actor in the accession process who is also Estonian Chief Negotiator. Before being accepted to the position of Vice-Secretary of State, Streimann had worked in the Estonian Embassy in Sweden and had headed the Department of Foreign Economic Policy in the Ministry. The Chief negotiator is also the Estonian representative in the Association Committee.

4.2.1. Estonian mission to the EU

The first Estonian ambassador to Brussels (from 1992), Clyde Kull (born 1959), was engaged in multiple fields. He represented Estonia to the EU, NATO as well as in the Benelux countries. Kull, as with other new ambassadors of the recently independent Estonia, left to their countries of destination with "two suitcases, 400 DM and Lennart's (Foreign Minister Meri) pat on the shoulder"¹⁰⁶. The separate Estonian Mission to the EU was opened in November 1996. It started with 6 employees (4 diplomats) and has developed into an organisation with 16 employees that plays a crucial role in the accession process. After six years, Clyde Kull left Brussels in 1997 and was succeeded by Priit Kolbre. Following a period of an academic position at the Tallinn Technical University, Kolbre joined the Ministry of

¹⁰⁴ Pisuke, Heiki (1996), *ibid.*

¹⁰⁵ Vabariigi Valitsuse tegevuskava Euroopa Liitu integreerumiseks 2001 (National Program for the Adoption of the Acquis 2001).

¹⁰⁶ Ametnik nr. 318, *Eesti Ekspress*, 0.9.1998. Lennart Meri, then Minister of Foreign Affairs, later President of Estonia (1992-2001).

Foreign Affairs in 1992 and has ever since been closely engaged in the pre-accession process and accession negotiations. He acted also as a vice-chair of the government working group for studying issues concerning Estonia's possible accession to the EU established in 1993.

In 2002, the Estonian Mission to the EU has central importance in the accession process as a strategic body exchanging information between the EU and the Ministries. All Estonian ministries (except for the Ministry of Defence) have sent their attachés to Brussels in order to have more effective communication with the institutions of the EU. The attachés are formally non-staff servants of the Ministry of Foreign Affairs (they do not have diplomatic rank) and are in their activities under double supervision – following the guidelines from the head of the Mission and the home ministry. The arriving time of attachés has been very different – related to the activities of every ministry in finding resources and rationalising need for a representative in Brussels. The last ministry to delegate its attaché to the capital of Europe was the Ministry of Education, whose official arrived only in February 2002.

4.2.2. Negotiations structure

On 27 January 1998, the Government approved the Estonian Negotiation Delegation. The Negotiation Delegation has a two-level structure: the main delegation or the 'core group', and the heads of the working groups. It consists in total of 47 persons and includes representatives from each ministry (except for the Ministry of Defence), the Office of European Integration, and the Estonian Mission to the EU in Brussels.

The main delegation consists of the Minister of Foreign Affairs (the head of the delegation), the Vice-Secretary of State of the Ministry (the deputy head of the delegation and Estonian Chief Negotiator), senior civil servants from ministries, the Head of the OEI and the Head of the Estonian Mission to the EU (15 persons). The main delegation is in general a supportive structure that co-ordinates completion of the final negotiation positions. Positions are formally adopted by the Cabinet and in the case there is need to change the positions, the Cabinet has to re-adopt them. There is close co-operation between the Chief Negotiators of the formally so-called 'Luxembourg group'. In regular meetings (every 2-3 months) information is exchanged and problems are discussed.

Thirty-three negotiation working groups have been formed, which correspond in general to the chapters of the negotiations (there are two working groups concerned with the chapter on agriculture). The 33rd working group for preparation of accession agreement was established by a decision of Government in February 2002. High ministerial and state administration officials, who belong also to the Negotiation Delegation head the working groups. The Groups prepare draft negotiation positions, they participated in the screening of the *acquis communautaire*, and provide comments and explanations in their field of expertise. The size and composition of the groups varies according to the complexity of the issue. Most of them include external experts and representatives of interest groups, alongside civil servants. Although the non-governmental sector in Estonia is still in its infancy it has become stronger and can offer effective partnership in preparing the negotiation positions (example of Estonian Chamber of Agriculture and Commerce).

The principal managing structure of the whole negotiations process is the Negotiations Task Force (6 experts) that operates within the Department of European Integration in the Ministry of Foreign Affairs. It co-ordinates preparation of negotiation positions by the working groups

and assists the main delegation by reporting and disseminating information. Each of the experts working for the Task Force is responsible for several chapters of the *acquis communautaire*. Together with Hungary, Estonia appears to be the country where the Negotiation Delegation most clearly serves to assist the Chief Negotiator in formulating the positions.¹⁰⁷

Example: Negotiating Fisheries

Date	Negotiating Step
06.07.1998	Multilateral meeting for screening
07.07.1998	Bilateral meeting for screening
25.08.1998	Estonian positions were adopted with a decision of Cabinet
09.09.1998	Estonian positions were handed over to Austria
19.04.1999	Chapter was opened for negotiations
19.04.1999, 22.06.1999, 10.1999	Estonia handed in additional information
06.04.2000	Chapter was preliminarily closed
05.06.2000	Estonia handed in its interim report
25.07.2000	Estonia presented its position on additional <i>acquis</i>

The chapter on Fisheries several time attracted the attention of the Cabinet as well as the Riigikogu, because of a perceived threat that delays in the reform of a administrative structures and weak administrative capacity in this field would have negative impact on the Estonian ability to defend its interests in the negotiation process (i.e. preservation of Estonia's rights and commitments obtained by international agreements).¹⁰⁸

4.3. EU-structures within ministries

Already by 1998, the Minister of Foreign Affairs Raul Mälk noted that EU integration has changed from being a specific foreign policy issue to being everyday business of Estonia's administration.¹⁰⁹ It is even more so in 2002. Individual ministries are the centres of competence in Estonia. Such arrangement enables clear responsibility for issues to be assigned and for competence to be accumulated. On the other hand, it increases the need for effective co-ordination and creates a danger that institutions deal only with issues that clearly fall within their responsibility.

¹⁰⁷ Brusis, Martin/Emmanouilidis, Janis A. (2000), Negotiating EU Accession: Policy Approaches of Advanced Candidate Countries from Central and Eastern Europe, manuscript, Bertelsmann Foundation, Bertelsmann Group for Policy Research, Centre for Applied Policy Research, p. 14.

¹⁰⁸ See e.g. Ilves, Toomas Hendrik (2001), *ibid.*

¹⁰⁹ Mälk, Raul (1998), Estonian vision of the EU, in: *Proceedings of the 5th International Conference "Estonia and the European Union: Estonia on its way to a changing Europe"*, Tallinn: Chancellery of the Riigikogu, p. 24.

The ministries are responsible for the planning and the implementation of the accession agenda in domains at the national level within their competence. In 1995, the responsibility for all 23 chapters of the White Paper on the integration of the associated CEEC into the Internal Market and the implementation of the Association Agreement were divided between the ministries. If an issue fell within the areas of competence of several ministries, a responsible ministry was designated. This division of labour was approved by the CSCS.¹¹⁰

Within every ministry (except for the Ministry of Defence, which is only starting to get involved in integration issues) there exists a unit of experts that deals with European affairs.¹¹¹ In general, the role of the EU-units is to co-ordinate activities related to European integration within the ministry and with institutions under its supervision. This includes preparing and implementing the NPAA, preparing positions for accession negotiations, participation in negotiation working groups, gathering and analysing data, exchanging information, and working hand in hand with the OEI.

There is no uniform arrangement concerning the shape and size of the EU-units. Their establishment and size are completely up to the individual ministries and therefore arrangements vary (most commonly within a unit of international co-operation or foreign relations). As is typical for the administration of a small state, most of these units are multi-functional. They deal with international relations and international co-operation, e.g. bilateral co-operation programmes, foreign aid programmes, relations with other international organisations etc. Therefore, the number of people working in these units does not usually automatically represent the number of people dealing directly with the accession issues. In addition, the professional background of officials working in the EU-units is very diverse ranging from law and economics, to languages and art. Some generalisations can be made regarding the specifics of the institution (e.g. economic background in the Ministry of Economic Affairs).

Besides the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Finance are playing a more central role in the accession process. The Ministry of Finance is responsible for the co-ordination of external assistance (Department of Foreign Financing, 25 experts). The Ministry of Justice examines draft legislation, analyses its compatibility with the European law and co-ordinates the harmonisation of Estonian legislation, advises other ministries and, in co-operation with the Estonian Law Centre¹¹² co-ordinates training of state officials dealing with the harmonisation. Since 1998, it has organised EU legislation roundtables of officials occupied with the harmonisation. In submitting draft legislation to the Ministry of Justice, other ministries are obliged to add an explanation about its compatibility with EU legislation. The European Union Law and Foreign Relations Division (established in 1994, currently 6 employees and an attaché in Brussels) is co-ordinating the work. Julia Laffranque (born 1974), who has been in the division since 1996, leads the unit.

¹¹⁰ Pisuke, Heiki (1996), *ibid.*

¹¹¹ Information on the EU-units in the ministries is derived from the questionnaires sent to the Estonian ministries (except for the Ministry of Defence) in October 2000 and received back until December 2000, and web-pages of the ministries.

¹¹² The Estonian Law Centre is a non-profit organisation, founded in July 1995, whose mission is to provide a comprehensive program of legal training seminars and other sources of information to the Estonian legal community. It is financed by Estonian and western sources.

According to World Bank's evaluation of Estonia's institutional capacity for implementing the accession agenda, institutional arrangements are well defined in law and work in practice. The analysis of policy co-ordination suggests that "the clearing process for determining the government's agenda, allocating responsibility for actions to ministers, and tracking cabinet decision making is effective"¹¹³. Despite effective co-ordination and clearing procedures, the World Bank has indicated also four types of deficiencies related to the development of government policy:

- (1) imperfections in draft laws submitted to Cabinet, leading to delays in approving legislation;
- (2) insufficient cost-benefit analysis of laws being proposed due an incorrect mix of policy-making skills;
- (3) absence of cross-sectoral strategic thinking to inform the government's policy-making agenda; and
- (4) little or no policy impact assessment to review whether implemented policies have been effective.¹¹⁴

4.4. Public relations

In 1993, the working group of the Estonian government recognised the need to inform a larger public. To "better inform the people of Estonia's likely route to the EU and the accompanying work, and integration's positive and negative aspects, the materials concerning this subject and EU materials must be widely distributed, and discussions in the press, radio and TV must be promoted"¹¹⁵. The stimulation of discussions on the EU accession and its implications seems to be one of the main tasks for the Estonian Government. Accession cannot be a concern only of the political elite, it must take place in co-operation of all the relevant state and non-state actors of the country.

The ex-Minister of Foreign Affairs, Toomas Ilves, has argued that one of Estonia's problems has been too little engagement of the so-called third sector (civil society, NGOs) in the accession process.¹¹⁶ Following Ilves' initiative in November 1999, the creation of the Foreign Minister's Consultative Committee, represented an attempt to create a link between the accession efforts of the government and other social actors. The Committee was formed with the expectation that it would meet at least once every two months. Its role was described by its function announced to be as a mediator of societal interests to the Negotiations' Delegation, and vice versa. This Committee consists of 29 members, which are representatives of non-profit and business organisations, academic and educational institutions and well-known public figures. However, after six meetings with different topics on the agenda (e.g. abolishment of tax-free trade, introduction of EU subject in the secondary schools, role of non-governmental organisations in the accession to the EU etc.), its activities have 'calmed down'.

¹¹³ World Bank (1999), *Estonia: Implementing the EU Accession Agenda*, Washington DC: The World Bank, p. 15.

¹¹⁴ World Bank (1999), *ibid.*

¹¹⁵ State Chancellery (1995), *Estonia and the European Union: Preliminary Theses on Future Membership*, Tallinn, p. 19.

¹¹⁶ Ilves, Toomas Hendrik (2001), *ibid.*

Besides this effort to link societal and governmental actors for a more effective public relations policy, the main governmental institution for stimulating discussion and diffusing information is the European Union Information Secretariat (established in 1998, 5 officials), which operates within the structure of the State Chancellery. The mission of the Secretariat is to increase the interest of the Estonian public in European integration related topics and to enhance the ability of interest groups to participate in the discussion on Estonia's accession to the EU. To fulfil this mission, the Secretariat diffuses information about the EU, supports the network of EU Information Centres, prepares materials and complementary education programmes, advises ministries and other institutions, orders public opinion polls, and exchanges information with EU member states and EU institutions. To stimulate discussion within the society, both NGOs supporting and opposing EU-accession are supported financially. Since April 2001, the secretariat has been headed by Hannes Rumm, a well-known journalist and columnist. Before taking the position, Rumm had worked as a deputy-editor of *Eesti Päevaleht*, the third biggest Estonian daily newspaper.

4.5. Parliamentary Committee on European Affairs

All parties represented in the Estonian parliament, the Riigikogu, are in favour of Estonia's accession to the EU. Only some MPs have announced their opposition as individuals. In general, the role of the Parliament has been limited to following and accepting the accession policy of the government. Raik claims that before the establishment of the Committee on European Affairs in January 1997, there were few contacts between the government-led 'eurostructure' and the Riigikogu.¹¹⁷ Actually, negotiation positions adopted in the Cabinet meetings do not need to pass the Parliament. However, based on co-operation with the Ministry of Foreign Affairs, the positions are sent to the Committee for consultation before their approval in the Cabinet meetings.

The Committee has a status of a temporary committee and its main tasks are to develop relations with the European Parliament and to co-operate with the national government. It requests information and explanations from ministers and maintains contacts with societal interest groups. Contacts are developed with parliamentary committees of the formally so called 'Luxembourg group' of accession countries. The Minister of Foreign Affairs reports to the Riigikogu regularly at least twice a year. The Chief Negotiator regularly briefs the parliamentary Committee on the state of the negotiation process. Other ministers meet with the Committee on an *ad hoc* basis, related to the current issues on the agenda. Traditionally, the Prime Minister informs the Committee of the NPAA in the beginning of the year, gives an overview of the performance before the summer recess and reports on achievements on the end of the year. Despite of this activity, the Chairman of the Committee, Tunne Kelam, has claimed that there is enough room for more co-operation. According to him, the Riigikogu could plan its work much better and contribute more to the accession process if it receives more information about the Government's action plan.¹¹⁸

The Committee on European Affairs is not directly engaged in legislative activities. However, it can influence the discussion on legislation on European affairs in the Parliament and direct attention of one or another standing committee to the processes, which are too slow in their

¹¹⁷ Raik, Kristi (1998), *ibid.*, p. 77.

¹¹⁸ Kelam, Tunne, Presentation to Riigikogu (in Estonian), 18.01.2001, http://www.riigikogu.ee/eak_kelam.html (16.01.2002).

development. The Committee (12 MPs) comprises representatives of all political forces represented in Riigikogu and also of almost all standing committees (several members from the standing committee of Economic Affairs), and is, therefore, constituting a kind of 'mini-parliament' in itself.¹¹⁹ Such composition also poses problems and some rigidity, as participating MPs may be engaged in the activities of their main committees and cannot react flexibly enough to the need to discuss some issue with little notification in advance. Besides MPs, the head of Delegation of European Commission in Estonia, diplomats of presiding EU member states and also representatives of other candidate and member states are frequent participants in the Committee meetings.¹²⁰

5. Conclusion: Estonian Public Administration - effective, but improvable

When celebrating its 84th anniversary in February 2002, Estonia has in practice enjoyed only 32 years of independent statehood. It is not possible to talk about deep historical traditions of the state and the gradual emergence of modern forms of government in Estonia. Accordingly, an analysis of the practice of government and administration has thus been a very rudimentary exercise.¹²¹

During the past ten years of transformation, Estonia has made extensive and also intensive changes. Estonia has formed a functioning public administration and an institutional structure that supports accession to the EU. The system of management of EU accession has developed with the actual integration process and, questions related to accession have become an inseparable part of every-day policy-making and law drafting. As expressed by PM Mart Laar to the Riigikogu in 2000, the working plan of the Cabinet should 100% coincide with the activity plan for accession.¹²²

Accession to the EU has had an important impact on the development of the public administration in Estonia. Contrary to the current EU-members with their long tradition of public administration, in CEECs the Europeanisation of administrations has coincided with a general administrative reform and with Europeanisation in the sense of re-westernisation. Public administrations had to face EU accession and at the same time have considerably changed their ways of functioning. The opening of the negotiations process has confronted the CEECs with a challenge that has forced them to make their structures more effective and to build competence in the fields of the *acquis communautaire*. The Estonian public administration is functioning satisfactorily and it is most probably ready to take on the challenge of EU membership, this too being the European Commission's opinion. However, there are several aspects that could be improved in order to strengthen the administrative capacity (most of all civil service management, financial management and accountability structures).

¹¹⁹ Savi, Toomas (1998), The role of national parliaments in the EU integration process, in: *Proceedings of the 5th International Conference "Estonia and the European Union: Estonia on its way to a changing Europe"*, Tallinn: Chancellery of the Riigikogu, pp. 12-13.

¹²⁰ Kelam, Tunne (2001), *ibid.*.

¹²¹ Randma, Tiina (2001b), *ibid.*, p. 42. Sootla, Georg/Roots, Harry (1999), *ibid.* p. 236.

¹²² Laar, Mart, Estonias preparations for accession to the EU, presentation in front of Riigikogu (in Estonian), 19.01.2000, http://www.vm.ee/euro/koned/Mart_Laar.htm (11.01.2001).

¹²³ Soetendorp, Ben/ Hanf, Kenneth (1998), *ibid.*, p. 186.

Similarly, a generally positive evaluation can also be given to the Estonian system of managing EU accession, which has been functioning well. Estonia may expect relatively few problems in entering into the EU decision-making process.¹²⁴ The established principles of co-ordination have been stable for a number of years and, as the experience shows, the progress made has been mainly dependent on political will and administrative capacity in general. Deficiencies of the Estonian system have appeared most clearly within the public relation aspects of the accession process. Although occupation of the key positions in the management structure has been stable, at the lower levels there has been considerable turnover. So, even if, the general experience is positive, there is also room for improvement. With regard to the future and prospective membership, Laffranque recommends increasing the extent of analysis and attention to quality control in EU policy-making, as well as to pay more attention to the role of ministerial EU-units and expectations towards the competence of their staff in respective fields.¹²⁵

Moreover, the principles of co-operation between the Government and the Riigikogu in preparing EU-related positions should be specified by the Constitution or by a separate law.¹²⁶ Regarding the practice and problems of EU-related work in the Parliament, Kerikmäe states that, regarding the practice and problems of EU-related work in parliament, there should be a standing committee for European Affairs in the future, whose members would represent the positions of their parties and search for consensus regarding the mandate to be given to the Government. Tasks and responsibilities of the Committee should be weighed and specified.¹²⁷ The formation of clear expectations with regard to Estonia's interests at the European Union level is especially important regarding the size of Estonian state. Small states generally pursue their particular interests in a more limited spectrum than larger states do. In this way they can concentrate their attention, their efforts, and above all, their means, on a more limited number of essential topics.¹²⁸ The better the co-ordination of EU-related issues on the national level, the more successful is a state in defending its interests on the European Union level.

¹²⁴ Laffranque, Julia (2001), Euroopa Liit Eesti seaduste mõjutajana, *Riigikogu Toimetised*, 4.

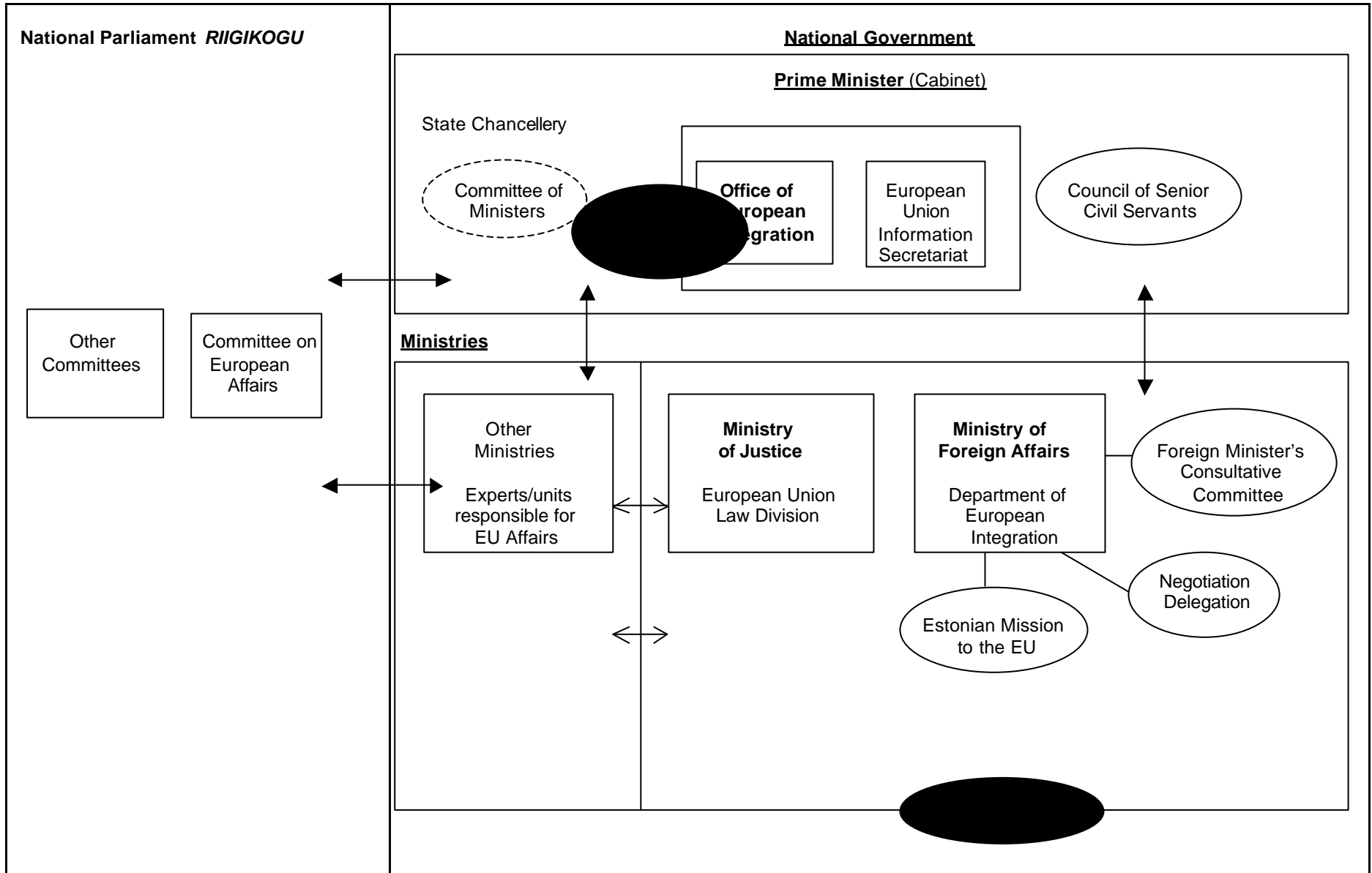
¹²⁵ Laffranque, Julia (2001), *ibid.*, p. 127.

¹²⁶ Laffranque, Julia (2001), *ibid.*, p. 121.

¹²⁷ Kerikmäe, Tanel (2001), Eesti parlamendi roll pärast liitumist Euroopa Liiduga, *Riigikogu Toimetised*, 4, pp. 128-129.

¹²⁸ Hoscheit, Jean-Marc (1992), *ibid.*, p. 276.

Graph 1: European decision-making in Estonia



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